

GAHC010150182024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3762/2024

MD MUSABBIR HUSSAIN AND ANR
SON OF MD. MUKTAB HUSSAIN,
RESIDENT OF HOUSE NO. 25,
HATIGAON NOTBOMA,
MIAJAN NAGAR, MASJID PATH, GUWAHATI,
DISTRICT- KAMRUP(M), PIN- 781038,
ASSAM.

2: MEHBOOB ELAHI LASKAR
SON OF ATAUR RAHMAN LASKAR

RESIDENT OF VILLAGE- NIZ KATIGORAH
PART-III

POST OFFICE- KATIGORAH

DISTRICT- CACHAR
ASSAM

PIN- 788805

VERSUS

THE STATE OF ASSAM AND 18 ORS
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
HIGHER EDUCATION (TECHNICAL) DEPARTMENT,
DISPUR, GUWAHATI, DISTRICT- KAMRUP(M),
PIN- 781006, ASSAM.

2:THE DIRECTORATE OF TECHNICAL EDUCATION
KAHILIPARA
GUWAHATI
ASSAM

GUWAHATI- 781019.

3:THE ASSAM PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS CHAIRMAN
AND HAVING ITS OFFICE AT JAWAHAR NAGAR

GUWAHATI
ASSAM
PIN- 781022.

4:ALL INDIA COUNCIL FOR TECHNICAL EDUCATION (AICTE)
REPRESENTED BY ITS MEMBER SECRETARY

NELSON MANDELA MARG

VASANT PURI
NEW DELHI- 67.

5:DR. PRAKASH JYOTI HAZARIKA
PROFESSOR AND HEAD OF THE DEPARTMENT

CIVIL ENGINEERING DEPARTMENT

ASSAM ENGINEERING COLLEGE

GUWAHATI.

6:DR. BIBHASH SARMA
PROFESSOR
CIVIL ENGINEERING DEPARTMENT

ASSAM ENGINEERING COLLEGE

GUWAHATI.

7:DR. BIPUL TALUKDAR
PROFESSOR
CIVIL ENGINEERING DEPARTMENT

ASSAM ENGINEERING COLLEGE

GUWAHATI.

8:RUPAM JYOTI NATH
SON OF BENI MADHAB NATH

ROLL NO. 12414.

9:JIMLI DAS
DAUGHTER OF RAJANI KANTA DAS

ROLL NO. 12186.

10:MANIPUSPAK HAZARIKA
SON OF BALIN CHANDRA HAZARIKA

ROLL NO. 12236.

11:JYOTISMAN SAIKIA
SON OF GAJENDRA NATH SAIKIA

ROLL NO. 12197.

12:BIBHUTI BHUSHAN BHARDWAJ
SON OF NABA KUMAR SARMAH

ROLL NO. 12104.

13:BAHARUL HUSSAIN
SON OF SARIFUL HUSSAIN

ROLL NO. 12083.

14:BARSHA SARMA
DAUGHTER OF DILIP KUMAR SARMA

ROLL NO. 12090.

15:MINAKSHI KUMARI
DAUGHTER OF DHIREN KUMAR

ROLL NO. 12261.

16:SIDDHARTHA KASHYAP
SON OF LATE DILIP KUMAR MAZUMDER

ROLL NO. 12455.

17:UTPAL RAY
SON OF KHIROD CHANDRA RAY

ROLL NO. 12520.

18:UDDIPANA BORAH
DAUGHTER OF NOLIN CHANDRA BORAH

ROLL NO. 12515.

19:SUBHRAJIT PATHAK
SON OF HIREN PATHAK

ROLL NO. 12473

Advocate for the Petitioner : MR. S BANIK, MS F BEGUM

Advocate for the Respondent : SC, HIGHER EDU, MR. K P PATHAK (r-2,4),SC, A I C T E,SC,
APSC

BEFORE
DEPUTY REGISTRAR (BENCH) - MR. SAPTARSHI DAS

ORDER

Date : 02.04.2026

Case taken up before the Lawazima Court.

Ms. F. Begum, Ld. Counsel appears on behalf of the Petitioners.

Perused the records.

The office note dated 01.04.2026 reveals that notice was issued upon Respondent Nos. 5 to 7 on 19.08.2024 through Registered Post with A/D.

Regarding the said notice, it appears the Registry has received the A/D cards for Respondent Nos. 5 to 7.

However, it is observed that all these A/D cards (at **Flag-'AD' in the Part-III file**) bear the signature of the same person. Consequently, it cannot be ascertained whether the notice was duly received by Respondent Nos. 5 to 7 personally or by another individual on their behalf.

In this context, the Hon'ble Privy Council in the case of **Harihar Banerji v. Ramsashi Roy, 1918 SCC OnLine PC 58** held that *where a notice was sent by registered post properly addressed there is a strong presumption that the notice was properly delivered in the usual course and this is not rebutted by the fact that the acknowledgment is signed by a person other than the addressee.*

Thus, in the present case, if the Respondent themselves have received the said notices, service of notice upon the said respondents can be said to be complete. In case, the notice has been received by someone other than the Respondent Nos. 5, 6 and 7, the service upon the said Respondents can be deemed to be complete in view of the authoritative pronouncement of the Privy Council in the case of Harihar Benerji (supra).

Therefore **service in respect of Respondent Nos. 5, 6 and 7 can be said to be complete.**

Further, it has been observed that the Hon'ble Court vide its order dated 29.07.2024 had directed the petitioners to take steps for service of notice upon Respondent Nos. 8 to 19 by Registered Post with A/D addressed to the Director of Technical Education, Assam who shall furnish the notices to private Respondent Nos. 8 to 19 and file an affidavit to that effect.

Accordingly, notices were issued through the office of the Director of Technical Education on 19.08.2024. Regarding these notices, it appears that the A/D cards for Respondent Nos. 8 to 14 and 16 to 19 (**excluding Respondent No. 15**) have been received. However, it seems that all the A/D cards bear the signature of the same person and the official seal of the Directorate of Technical Education.

Furthermore, as of today, no affidavit of service has been filed by the Director of Technical Education regarding the service of notice upon Respondent Nos. 8 to 19, as previously directed by the Hon'ble Court's order dated 29.07.2024. As such, service of notice upon respondent Nos. 8 to 19 cannot be presumed at this stage.

List the matter before the Lawazima Court again on 04.05.2026, with an updated office note confirming whether the Director of Technical Education, Assam, has filed the requisite affidavit regarding the service of notice upon Respondent Nos. 8 to 19.

Deputy Registrar (Bench)

Comparing Assistant